FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.2174 OF 2006

Sunil Lazarous Anthony ..Applicant
V/s.
The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Shirish Gupte Sr.Advocate i/by Subodh Desai for the applicant.

Mr.S.S.Pednekar, APP for the State

Coram : R.S.Mohite,J

Date : 20.6.2006.

PC

1. Heard both sides. Rule. By consent rule made returnable forthwith.

2. This is an application impugning an order dated 31.3.2006 passed by the IInd Addl. Sessions Judge, Pune, suo moto cancelling the bail earlier granted by him on 16.3.2006. It appears that the applicant is shown as an accused in C.R.No.457/2005 registered by

the Yerwada police station, Pune for offences under Sections 406 & 420 of IPC. The applicant had earlier moved for bail prior to the filing of the charge-sheet and his application for bail was rejected both by the Sessions Court as well as by the High Court. Thereafter, after chargesheet was filed, he moved the Sessions Court for grant of bail. In his bail application he disclosed the fact that his application for bail has earlier been rejected by the Sessions Court as well as by the High Court prior to the filing of the charge-sheet. Such an averment would be found in ground nos.(n) & (o). After hearing both sides, bail was granted to him by the IInd Addl. Sessions Judge, Pune by order dated 16.3.2006. It appears that thereafter suo moto action was taken by the Court and the bail was cancelled on the ground that it had not been specifically disclosed that the High Court

has rejected the bail prior to filing of the charge-sheet on merits and also that the applicant has not mentioned the number of the bail application filed in the High Court in the subsequent application filed in the Sessions Court. In my view, these are the matters which could have been clarified by the Sessions Judge when he was hearing the matter for grant of bail. It was open for the Court to call upon the Advocate for the applicant to give the number of the High Court application In my view, this is not a fit case to subsequently exercise suo moto powers to cancel the bail. In the circumstances, the application is made absolute in terms of prayer clause-(a) and the order dated 16.3.2006 passed by the IInd Addl. Sessions Judge, Pune, granting bail to the applicant is confirmed. Rule made absolute in the aforesaid terms.

(R.S.Mohite,J)